

I, Jane E. Maschka, hereby declare the following and hereby certify, under penalty of perjury to the laws of the United States and the State of Texas, that it is true and correct to the best of my knowledge and belief:

1. I am over the age of 18 years and am competent and otherwise qualified to make this Declaration. I have personal knowledge of the matters stated herein and they are all true and correct to the best of my knowledge.

2. I am an attorney duly licensed to practice law in the States of California and Minnesota and have been admitted to practice before this Court in this adversary proceeding *pro hac vice*. I am counsel for Boston Scientific Corporation (“BSC”), the defendant in the above-captioned adversary proceeding.

3. BSC and the Trustee each served third-party Subpoenas on Capital One. In response, Capital One produced documents on May 8, 2019. My correspondence with the Trustee’s counsel regarding the Capital One Production is attached as Exhibit A to this Declaration. On May 21, I participated in a conversation with counsel for the Trustee in which counsel indicated that she would draft a revised joint stipulation of facts to reflect that the Trustee withdrew its allegations regarding the Disputed Transfers.

4. BSC also has been responding to the Trustee’s discovery requests since 2018. BSC produced additional documents responsive to the Trustee’s requests on May 3, 2019, and supplemented responses to the Trustee’s interrogatories on May 7, 2019.

5. My colleagues and I have had multiple productive conversations with Trustee’s counsel and have resolved numerous issues without the involvement of the Court. Trustee’s counsel did not suggest during any of these conversations with my colleagues or me that BSC’s failure to file an Amended Answer posed any issue or indicate the Trustee would file a request

for entry of default if BSC did not file a responsive pleading to the Trustee's Amended Complaint.

6. While I did not personally participate in the mediation with Trustee's counsel on March 7, 2019 or the conversations leading up to it, my understanding is that my colleagues informed the Trustee's counsel before March 7, 2019, which allegations in the Amended Complaint BSC disputed and which allegations it admitted.

7. I apologize to the Court for failing to file a timely Amended Answer. I did not realize the error until I received the Trustee's Request for Clerk's Entry of Default earlier today, May 31, 2019.

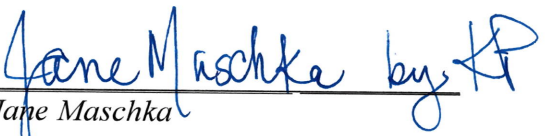

Jane Maschka

EXHIBIT A

Maschka, Jane E.

From: Rukavina, Davor <drukavina@munsch.com>
Sent: Wednesday, May 08, 2019 1:43 PM
To: Maschka, Jane E.; Young, Aynsley
Cc: Perry, Kristen L.; Harayda, Christopher (C.J.); Essley, Kyle J.
Subject: RE: Walnut Hill Physicians - REc_d 5-8-19 Capitol One Documents rec_d by DWQ_Subpoena.PDF

Excellent, thank you, although obviously very confusing on my end since their response to the two subpoenas could not have been different.

In that I believe BSC already stipulated to the two transfers that were now confirmed by Capital One, and we now know that the other "disputed transfers" did not go to BSC, obviously we can take those transfers off the table.

Thank you,

Davor Rukavina, Esq.

Munsch Hardt Kopf & Harr, P.C.
500 N. Akard Street, Suite 3800 / Dallas, Texas 75201-6659

Direct: +1.214.855.7587 / drukavina@munsch.com / munsch.com

Notice: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. Nothing contained in this message or in any attachment shall constitute a contract or electronic signature under the Electronic Signatures in Global and National Commerce Act, any version of the Uniform Electronic Transactions Act or any other statute governing electronic transactions.

From: Maschka, Jane E. [mailto:Jane.Maschka@faegrebd.com]
Sent: Wednesday, May 08, 2019 12:04 PM
To: Rukavina, Davor; Young, Aynsley
Cc: Perry, Kristen L.; Harayda, Christopher (C.J.); Essley, Kyle J.
Subject: FW: Walnut Hill Physicians - REc_d 5-8-19 Capitol One Documents rec_d by DWQ_Subpoena.PDF

Davor & Aynsley – BSC just received the attached from Capital One. I have not yet reviewed. - Jane

Jane E. Maschka

Partner

jane.maschka@FaegreBD.com Download vCard

D: +1 612 766 7559

Faegre Baker Daniels LLP

2200 Wells Fargo Center | 90 South Seventh Street | Minneapolis, MN 55402-3901, USA

From: Perry, Kristen L. <Kristen.Perry@dbr.com>
Sent: Wednesday, May 08, 2019 11:01 AM
To: Maschka, Jane E. <Jane.Maschka@faegrebd.com>; Harayda, Christopher (C.J.) <cj.harayda@FaegreBD.com>
Subject: Fwd: Walnut Hill Physicians - REc_d 5-8-19 Capitol One Documents rec_d by DWQ_Subpoena.PDF

Jane/Chris,

See below from my secretary and attached response from Capital One that we just received. Interesting timing following the earlier email exchanges. I am sitting in a jury room so will not be able to review closely until later in the day, but it looks like we received some substantive information.

Let me know what you need from me.

Kristen

Begin forwarded message:

From: "Olson, Kelly M." <Kelly.Olson@dbr.com>
To: "Perry, Kristen L." <Kristen.Perry@dbr.com>
Subject: Walnut Hill Physicians - REc_d 5-8-19 Capitol One Documents rec_d by DWQ_Subpoena.PDF

[At long last – documents from Capitol One](#)

Drinker Biddle & Reath LLP is a Delaware limited liability partnership. The partner responsible for the firm's Princeton office is Dorothy Bolinsky, and the partner responsible for the firm's Florham Park office is Andrew B. Joseph.

This message contains information which may be confidential and privileged. Unless you are the intended addressee (or authorized to receive for the intended addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender at Drinker Biddle & Reath LLP by reply e-mail and delete the message. Thank you very much.
